

**MARY E. RAY,**  
**Plaintiff,**  
  
**v.**  
  
**MICHAEL J. ASTRUE,**  
**Commissioner of Social Security**  
**Administration,**  
**Defendant.**

**THIS MATTER** is before the court on the Plaintiff's Motion for Summary Judgment and supporting brief (Document #10), filed April 14, 2009, and the Defendant's Motion for Summary Judgment (Document #11) and Memorandum in Support (Document #12), both filed June 4, 2009. Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David Cayer was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered Memorandum & Recommendation, filed June 15, 2009, Judge Cayer recommended that Plaintiff's motion for summary judgment be granted, that Defendant's motion for summary judgment be denied, that the Commissioner's decision be reversed, and that this matter be remanded for a new hearing pursuant to sentence four of 42 U.S.C. § 405(g). In the opinion, Judge Cayer advised the parties that any objections to the proposed findings of fact and conclusions of law were to be filed in writing within ten days of service of the same. The time for filing objections has since passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

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consistent with and well supported by the current case law. See Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4<sup>th</sup> Cir. 2003) (holding that, absent specific objections, a de novo review is not required when considering a memorandum and recommendation). Accordingly, the court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this court for all purposes related to this case.

**WHEREFORE**, for the foregoing reasons, it is hereby **ORDERED** that Plaintiff's Motion for Summary Judgment is **GRANTED**, that Defendant's Motion for Summary Judgment is **DENIED**, that the Commissioner's decision is **REVERSED**, and that this matter is **REMANDED** to the ALJ for a new hearing pursuant to sentence four of 42 U.S.C. § 405(g).

Signed: August 17, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

